

Approved Minutes of the Technical Advisory Committee Meeting
March 20, 2007

Members present:	Roger Thompson	Rodney Pingree
	Gail Center	Jeff Williams
	Kim Greenwood	Craig Heindel
	Barb Willis	Steve Revell
	Spencer Harris	Phil Dechert
	John Forcier	Allison Lowry

Others present:	Scott Stewart	Frank O'Brien
	Anne Whiteley	

Scheduled meetings:

April 17, 2007	1-4 PM	Room 100 Stanley Hall
May 15, 2007	1-4 PM	Room 100 Stanley Hall
June 12, 2007	1-4 PM	Room 100 Stanley Hall

Review of agenda

Added a topic for update on change in well driller licensing.

Review of minutes

The minutes of the February 13, 2007 were reviewed and accepted.

Well Driller's License

Jeff gave an update on the well driller training that was given on March 12th and March 19th. Jeff thought the training had gone well, with comments following the expected lines. There are concerns about the potential delay of the new well driller's license rules beyond July 1st as that would create a period of time when people would have to hire an engineer or site tech. There are concerns about the certification language and the well drillers want to be sure they are responsible only for the water installation. And there are concerns about delays in issuing permits in emergency situations.

Roger outlined the proposed rule language and stated that the design and installation certifications could be limited to just water systems.

Anne noted that well drillers cannot rely solely on the homeowner's information for items such as the location of existing leachfields. Roger noted that he and Anne would be working on new language for this topic which would be sent to the well drillers.

Rodney asked about funding. Anne said that ACCD would provide at least one million dollars and be responsible for the process of getting money to people. Gail asked if this is a one time contribution or is expected in the future. Anne said this was a one time contribution and Gail suggested this would not be sufficient. Jeff asked about the requirement for determining the location of existing septic areas, with Anne and Roger indicating this is not a new requirement.

Replacement areas

Phil asked about the requirements for replacement areas. The proposed rules would allow for a 150% sized primary in lieu of primary and replacement areas. Spencer observed that most of the replacement systems he does are in new areas. Phil asked about replacements for systems designed using current rules. Craig and others noted that very few systems constructed using the current design approaches have been replaced.

Rodney asked about rebuilding in place. Steve and Craig said that rebuilding in place can often be done if needed. Roger noted that one issue for some people is the disposal of the used septic stone and that there will be an attempt in the new rules to deal with this issue.

Spencer asked whether existing town replacement areas are approved for future construction after July 1, 2007. The answer is no, though the permit that will be issued may approve the same or similar construction. Anne noted that variances will apply if the existing town approval does not include a fully complying replacement area. Anne also noted that old state permits, in a limited number of cases, actually approve the future construction of a replacement area. Current permits make it clear that a permit amendment is required for a replacement system.

Rules update

Craig asked about the timing of the new rules relative to July 1, 2007. Anne said the best case is done on July 1, 2007, the worst case is one or two months later.

Spencer asked about the process for adoption. Anne outlined that after approval by ICAR there is a two week period to publish public notice in the newspapers, and then 7-9 meetings at 2 or 3 per week, and a 10 day comment period after the last meeting. Anne noted that the Administration is looking at whether a delay in the universal jurisdiction makes sense, with the big issues being funding and whether the bill gets stuck in the Senate. Spencer asked why the Agency ended up doing the rules at the last minute. Anne noted that she had health issues that prevented her from working and then last summer the Kiazen process was imposed on the regional office program which sent the

Agency in a different direction with a great deal of energy being spent on changing how the regional offices will do their work.

Scott asked where the water supply rule changes fit in the process. Anne said that these would likely not be included in this set of rules, but that she was glad to see the new format for the water rules so that the appropriate sections could be easily moved into the wastewater rules in the future.

h.296

Anne reviewed the bill as passed by the house. One significant item is that there is a specific finding related to having a funding program based at ACCD (Agency of Commerce and Community Development). This finding has caused the bill to be referred to the Appropriations Committee in the House.

The proposed statute changes the definitions of failed system and supply to make them more usable. The current definitions include a threat to human health component that is not easily quantified. Phil asked who would be permitted to do inspections at the time of sale. Anne noted that anyone is allowed to do these, though some banks, attorneys, etc will not be willing to accept the inspection from just anybody. Steve observed that it does not make sense to only do a water test at the time of sale; a water test should also be required as part of the initial construction. Anne responded that the administration does not support testing requirements at the time of construction at this time.

Jeff suggested that water supplies that can be treated to remove contaminants should not be considered to be failed.

John asked if it was the Administration or ANR that is not supporting the time of sale inspection requirement as a state mandate. Anne noted that this is Administration language.

Anne explained that all exemptions, except for deer camps are gone as part of the clean slate approach. The exemptions for bedroom additions are proposed to be removed as a statutory change. The statute would allow for enforcement against designers for bad designs, instead of only if bad systems are actually constructed. The statute proposes to reduce the 3 bedroom requirement for subdivisions to only 1 bedroom and to require the Agency to update the design flow chart. It supports the Agency proposal to allow a reduction in both the leachfield size and the wastewater disposal capacity of the site by 25% if a composting toilet is used.

Phil asked if with the proposed reduction in replacement areas, better quality soil testing should be required.

John handed out copies of his testimony he gave at House Fish, Wildlife, and Water Resources. Kim said that she had testified as well, with general support for the bill. Neither person was representing TAC.

Addison County septic study

Craig gave a brief update on the progress stating that the difficult soils were mapped and asked towns for feedback on areas to study with little response. Anne noted that some legislators said they had found the information confusing. Craig said they were mostly looking for properties on municipal water so there would be some flow information. He has now identified potential sites and has written many letters asking if the owner is willing to participate in the study. Also included in the mailing are selectboards and legislators. There have been about 30 responses so far, though only 6 have plans for the installed system. Craig is also asking local consultants for more information. He will select systems in the next couple of weeks. There will be soil samples using a hollow stem auger to bore through the system and look at the interface between the stone and soil. Ground water monitoring systems using pressure transducers will be installed as well.

Spencer suggested looking for state permitted systems that included a variance approval. Steve and Spencer suggested talking to the approximately three contractors who do the bulk of installations in the area being studied.

Rules

Craig suggested dropping the requirement for a replacement area for mound systems. He said that most systems can be reconstructed in place and that there are few actual site capacity failures. Steve and Spencer offered support for this concept. Rodney asked about situations where the primary system is destroyed during initial construction. Anne asked for a group opinion on dropping the requirement with Craig, Spencer, Steve, John, Allison, and Rodney in favor of dropping the requirement.

Mound sand was discussed and it was decided to replace the #10 sieve requirement with a 3/8" sieve requirement. It was also decided to reduce the maximum amount of material passing the #200 sieve from 10% to 5%.

Meetings

It was decided to meet on April 17th, May 15th, and June 12th.

Items prioritized for discussion with high, low, and medium ranking

- 1.. Encourage I/A **low**
2. Soil identification vs. perc test **medium**
3. Colorado rule **low**
4. Permit by certification **low**
5. Curtain drain with presumption of effectiveness **high**
6. Field change policy **high**
7. Revisions to desktop hydro chart **medium**
8. Minimum amount of sand under a mound **high**
9. Grandfathered design flow and conversion of use policy **high**
10. Updating of design flow chart **high**

Recommendations made:

1. Revisions to mound sand specification
2. Lake water systems

Topics list - items not ready for drafting for inclusion in rule revisions

1. Drip disposal
2. Changing the 20% slope restriction to 30%
3. Replacing perc test with soil identification approach
4. Defining when effluent is no longer wastewater
5. Disinfection
6. Colorado Rule – reduction in isolation distance to wells based on construction methods
7. Certification and audit approach to permitting
8. Field change policy
9. Revise existing desktop hydro chart
10. Conversion of use policy, including grandfathered flows
11. Revise design flows
12. Increased loading rate
13. Wells shields across property lines
14. Whether less than 12” of sand should be allowed under mound systems

Executive Committee

John Forcier, Steve Revell, Lance Phelps, Phil Dechert, and Roger Thompson
Alternates – Chris Thompson, Bernie Chenette, Spencer Harris, Jeff Williams

Subcommittees

Hydrogeology - Allison Lowry, Craig Heindel, Dave Cotton and Steve Revell.

Training subcommittee - John Forcier, Roger Thompson, Allison Lowry, Dave Cotton, and Barbara Willis.

Licensed designers - Spencer Harris, Alan Huizenga, and Gerry Kittle.

Well driller's knowledge checklist - Jeff Williams, Rodney Pingree, Roger Thompson, Bernie Chenette, Gail Center and Steve Revell.

Interested in the delegation rules - Spencer Harris, Gerry Kittle, Phil Dechert, and Alan Huizenga

Drip Disposal – Frank O'Brien, Roger Thompson, Dave Cotton, Steve Revell, Alan Huizenga

Surfacing systems – Craig Heindel, Steve Revell, Frank O'Brien, Roger Thompson, Bruce Douglas, Gail Center, and Brian Kooiker.